

### **REMARKS**

Applicant respectfully requests reconsideration. Claims 1-6 and 45 were previously pending in this application. By this amendment, claim 1 has been amended. No claims have been added or canceled. As a result, claims 1-6 and 45 are pending for examination with claim 1 being the only independent claim. No new matter has been added.

#### ***Summary of Telephone Conference with Examiner***

Applicant wishes to thank Examiner Raevis for the opportunity to conduct a telephone interview with Shannon Pratt on August 2, 2005. During the interview, the claim rejections in view of Keegan were discussed. The substance of the discussion is incorporated into the following remarks.

Also discussed was amending independent claim 1 for further clarification. In particular, Applicant proposed adding “during operation” or “during operation of the pipette module” after “which is variable” (claim 1, line 8). The Examiner agreed that adding “during operation of the pipette module” may obviate the Keegan rejection, but also noted that the other relevant art may need to be considered again.

#### ***Claim Rejections Under 35 U.S.C. §102***

The Examiner rejected claims 1-6, and 45 under 35 U.S.C. §102(b) as being anticipated by Keegan et al. (U.S. Patent No. 3,935,734). Claim 1 has been amended to further clarify the claim language.

As amended, independent claim 1 is directed to a pipette module including a channel block having at least one passage therethrough, a rod sized, shaped and aligned to pass into the channel block passage, and a cylinder having an axially extending passage, sized, shaped and aligned to pass into the channel block passage from the end opposite the end which the rod passes. A chamber is defined by the channel block, rod, and cylinder, having a volume which is variable during operation of the pipette module, with a first part of the chamber variable by relative movement of the channel block relative to the fixed relative positions of the rod and cylinder, and with a second part of the chamber variable by relative movement of the cylinder relative to the fixed relative positions of the rod and channel block.

Keegan is directed to a pipette 10 having a measuring piston 14 to control the volume of a fluid drawn into a reservoir and a larger overblow piston 41 used to expel the liquid out of the reservoir. The pistons 14, 41 move within tubular barrel 11.

The Office Action states that the tubular barrel 11 of Keegan is analogous to the claimed "channel block", the rod 14 is analogous to the claimed "rod", and the sliding valve member 60a is analogous to the claimed "cylinder". The Office Action states that a first portion of the chamber of Keegan is variable by relative movement of the tubular barrel 11 relative to the rod 14 and the sliding valve member 60A and that a second portion of the chamber of Keegan is variable by relative movement of the sliding valve member 60A relative to the rod and tubular barrel. Applicant disagrees with the portion of the Office Action that states that a second portion of the chamber of Keegan is variable by relative movement of the sliding valve member 60A relative to the rod and tubular barrel.

As discussed during the telephone interview, Applicant disagrees with this statement because there is no teaching or suggestion in Keegan for relative movement of the sliding valve member 60A relative to the rod and tubular barrel. In particular, under the teachings of Keegan, the only time, during the operation of the pipette, that the sliding valve member 60a moves is when it is pushed against the spring 53A by the piston 41. When this occurs, the piston 41 moves with the rod 14. The valve 60A moves to temporarily allow air from chamber 57a to pass through aperture 59 to blow liquid out of the tip of the pipette. Keegan does not teach or suggest any movement of the sliding valve member 60A, during operation of the pipette, that does not also involve movement of rod 14. Accordingly, even under the above interpretation that the sliding valve member 60a is the claimed "cylinder", Keegan does not teach or suggest a second part of the chamber variable by relative movement of the cylinder relative to the fixed relative positions of the rod and channel block, as recited in claim 1.

However, the Examiner construed the original version of claim 1 to encompass a pipette module where a second part of the chamber was variable by relative movement of a cylinder relative to the fixed relative positions of a rod and a channel block when the cylinder is initially assembled to form the pipette module. To further clarify, Applicant has amended claim 1 to recite that the volumes of both the first part and the second part of the pipette module chamber are variable *during operation of the pipette module*. "During operation" is meant to encompass

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use of the pipette module, and is not intended to include the assembly of the components that constitute the pipette module.

Therefore, it is respectfully requested that the Examiner withdraw the rejection of claim 1 in view of Keegan, as the prior art fails to teach at least these recitations of amended claim 1. Claims 2-6, and 45 depending on claim 1, should be allowable for at least the same reasons.

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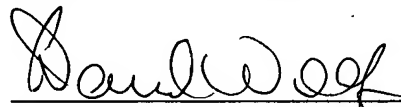
**CONCLUSION**

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,

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